IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 11319 of 2007(V)

PETITIONER:

P.V.KUNJAPPAN, S/O VARGHESE,
PALLIPPATT HOUSE, ANGAMALY, NOW RESIDING AT
KACHAPPILLY HOUSE, HOUSE NO.623A/IV, KARUKUTTY PO,
ERNAKULAM DISTRICT.

BY ADV. SRI.WILSON URMESE
SRI.M.C.ANTONY

RESPONDENTS:

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1. THE VILLAGE OFFICER,
KARUKUTTY.

2. THE DEPUTY TAHASILDAR (R.R.), ALUVA.

BY G.P. SRI.C.K.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.11319 of 2007

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Dated this the 17th day of July, 2007.

JUDGMENT

The W.P. is filed apprehending recovery proceedings against the petitioner for recovery of arrears of sales tax. Petitioner's case is that he has no means. However, Government Pleader stated that petitioner is living in a posh bungalow which according to the petitioner, belongs to a non-resident and he is only a caretaker. There is no scope for deciding petitioner's means by this court in advance. It is for the revenue recovery authorities to conduct enquiry, trace the ownership of assets managed or held by the petitioner and proceed for recovery including taking coercive steps like arrest. If petitioner has means and he refuses to pay, it is open to the respondents to initiate proceedings under Section 65 of the Revenue Recovery Act. The W.P. is closed with the above observations.

C.N.RAMACHANDRAN NAIR
Judge

pms